

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

ROBERT ANDREW WERMUTH, #189991,)	
)	
)	
Plaintiff,)	Case No. 2:05cv644
)	
SHANNON CARROL YOUNGBLOOD, et al.,)	
)	
)	
Defendants.)	

AFFIDAVIT OF SHANNON CARROL YOUNGBLOOD

STATE OF ALABAMA)

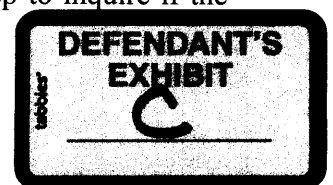
COUNTY OF MONTGOMERY)

Before me, a Notary Public in and for said State and County, personally appeared **Shannon Carrol Youngblood** and, after first being duly sworn by me, did depose and state as follows:

My name is Shannon Carrol Youngblood and I am over nineteen (19) years of age. I am currently employed as a Sergeant with the Montgomery Police Department and assigned to Third Shift Patrol.

On Tuesday, September 30, 2003 at approximately 3:45 a.m., Officers Welch and Deramus responded to the Kwik Shop located at 565 N.E. Boulevard on a possible stolen vehicle, a red Jeep Cherokee. When Officer Welch approached the vehicle and asked the individual (later identified as the Plaintiff, Robert Andrew Wermuth) to step out of the vehicle, Mr. Wermuth sped off dragging Officer Welch a short distance and causing physical injury to Officer Welch.

I was traveling east on Atlanta Highway when I observed a red Jeep Cherokee occupied by one subject traveling west on Atlanta Highway. When I turned around to catch up with the vehicle, the vehicle increased his speed and began making quick turns onto side streets without slowing down or stopping first. I ran a check with dispatch to see if the Jeep was stolen and was advised that it did not come back as being stolen. I then had dispatch contact the owner of the Jeep to inquire if the



vehicle was stolen or if they knew where their Jeep was and who was driving it. I also inquired if there were any other charges against the driver of the Jeep (later identified as the Plaintiff, Robert Andrew Wermuth) other than the misdemeanor charge of Theft 3rd. I was advised by Officer Welch that the driver was also wanted in reference to a code 26 (hit and run) with a police vehicle and also for striking a police officer.

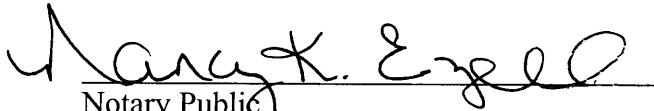
The Jeep turned onto Interstate 85 traveling toward Day Street and another Unit (Hill and Horner) fell in behind me. At this time, I had not attempted to stop the vehicle. As the Jeep approached the I-85/I-65 interchange, I attempted to initiate a traffic stop using both my lights and sirens but the Jeep continued onto Day Street. The Jeep continued to ignore my attempts to pull him over, turning on neighborhood streets, approaching speeds of 55 mph. As the jeep turned left onto Rosa L. Parks Avenue, I then asked a rear unit to call the pursuit and 310 (Hill and Horner) began to call the pursuit. The Jeep traveled on Rosa L. Parks Avenue to Mildred Street when it turned left traveling to S. Holt Street when it turned left traveling back toward Day Street. The Jeep turned right onto Day Street traveling west crossing over Oak Street. As the Jeep approached Hill Street, I attempted to slow as the vehicle began to turn left onto Hill Street; however, the brakes on my unit failed to stop my vehicle at which time I struck the red Jeep. The Jeep was able to continue across Day Street on Hill and I was able to get my vehicle stopped in the turning lane from Hill Street onto Day Street by using my emergency brake. I did not rejoin the pursuit.

The pursuit continued on to Hill Street turning onto Carlisle Street and stopping on Garland Street where the suspect was taken into custody. Unit 312 (Officers Calhoun and Barrier) responded to my location and completed an accident report for my vehicle (attached hereto as Exhibit A). Attached hereto as Exhibit B is a memorandum dated 09-30-2003 from me to Lt. R. F. Byrne which memorializes my involvement in the pursuit involving the Plaintiff, Robert Andrew Wermuth.

Further affiant saith not.


Shannon C. Youngblood

SWORN to and SUBSCRIBED before me this the 23 day of August, 2005.


Notary Public

My commission expires 2-8-08

Shaded Areas To Be Used By Data Processing Only

#0733

Sheet 1 of 1 Sheet(s)

DATA PROCESSED

Microfilm No.

Local Case No.

07547

LOCATION AND TIME		DATE		TIME	DAY OF WEEK	COUNTY	CITY	RURAL	Highway Classification	Municipal	Local Zone				
		Month	Day	Year	M	W	TH	F	S	S					
		9	30	2003	M		03	Montgomery			12				
On Street, Road or Highway		At Intersection of or Between (Node 1)		And (Node 2)											
Hill St.		Day St.													
5154		2135		100000		Feet Miles From (Node 1 or 2) (Circle One)									
Intersection Related		Control Access		1 - Main Rd		3 - Interchange		5 - Exit Ramp		Prime Contr					
1 - Node 1 2 - Node 2		1 - Main Rd		3 - Interchange		5 - Exit Ramp		Prime Contr		Unit No					
(1) Not Int. Related		1 - Main Rd		3 - Interchange		5 - Exit Ramp		Prime Contr		Unit No					
First Harmful Event		Event Location		Distance to Fixed Object		No. of Vehicles		No. Pedestrians		No. Injured					
20		1		3 FT.		2		0		0					
Driver Full Name		Street Address		City and State		ZIP		Telephone No.							
Robert Andrew Uermuth		948 Garland Dr		Montgomery AL		36108		36108							
DOB		Race		Sex		DL State		Driver License No.		DL Class					
9/13/1982		B		M		AL		None		N					
Place of Employment		Liability Insurance Co.		Social Security No.		List Restrictions		CDL Status		List Endorsements					
UNEMPLOYED		NONE		424-980085		Not Complied With		N		Residence Less Than 25 Miles					
Driver Condition		Sobriety		Officer's Opinion		Alcohol: Yes No		Type Test		1 - Blood Test 2 - Urine Test					
1 - No Defect 2 - Apparently Asleep 3 - Fatigued 4 - Ill 5 - Unknown		Sobriety		Officer's Opinion		Alcohol: Yes No		Type Test		1 - Blood Test 2 - Urine Test					
1 - No Defect 2 - Apparently Asleep 3 - Fatigued 4 - Ill 5 - Unknown		Sobriety		Officer's Opinion		Alcohol: Yes No		Type Test		1 - Blood Test 2 - Urine Test					
Maneuver		Travel Road Name		Road Code		Travel Direction		Other Contr Circumstance		Prime Harm Event					
18		Hill St.		5154		N		99		20					
Veh Year		Make		Model		Body		V.I.N.		License Tag Number					
1989		Ford		F30		F30		1J4FT58LKL454041		3A2297X					
Owner's Name		Street or R.F.D.		City		State		ZIP		Telephone No.					
Martha L. Humphrey		948 Garland Dr		Montgomery		AL		36108		36108					
Type		Usage		Hazardous Cargo		Attachment		Contributing Defect		Circle areas Damaged On Diagram					
1 - Auto 2 - Station Wagon 3 - Pick Up 4 - Van 5 - Truck Tractor 6 - Other Truck 7 - Comm. Bus 8 - School Bus 9 - Other Bus 10 - Motorcycle		1 - Personal 2 - Driver Trng. 3 - Construction 4 - Ambulance/Paramedical 5 - Military 6 - Taxi 7 - Transport Prop. 8 - Agriculture 9 - Wrecker/Tow		1 - None 2 - Explosive 3 - Gas 4 - Flamm/Combust Liq. 5 - Flammable Solids 6 - Oxidizer/Peroxide 7 - Poison 8 - Radioactive Matl. 9 - Corrosive Material 98 - Other		1 - None 2 - Mobile Home 3 - Semi Trailer 4 - Utility Trailer 5 - 4-Wheel Trailer 6 - Boat Trailer		1 - None 2 - Steering 3 - Power Plant 4 - Suspension 5 - Tires 6 - Exhaust 7 - Lights 8 - Turn Signal 9 - Unknown		1 - Brakes 2 - Steering 3 - Power Plant 4 - Suspension 5 - Tires 6 - Exhaust 7 - Lights 8 - Turn Signal 9 - Unknown		1 - Under Carriage 2 - N/A 3 - N/A 4 - N/A 5 - N/A 6 - N/A 7 - N/A 8 - N/A 9 - N/A 10 - N/A 11 - N/A 12 - N/A 13 - N/A 14 - N/A 15 - N/A 16 - N/A 17 - N/A 18 - N/A 19 - N/A 20 - N/A 21 - N/A 22 - N/A 23 - N/A 24 - N/A 25 - N/A 26 - N/A 27 - N/A 28 - N/A 29 - N/A 30 - N/A 31 - N/A 32 - N/A 33 - N/A 34 - N/A 35 - N/A 36 - N/A 37 - N/A 38 - N/A 39 - N/A 40 - N/A 41 - N/A 42 - N/A 43 - N/A 44 - N/A 45 - N/A 46 - N/A 47 - N/A 48 - N/A 49 - N/A 50 - N/A 51 - N/A 52 - N/A 53 - N/A 54 - N/A 55 - N/A 56 - N/A 57 - N/A 58 - N/A 59 - N/A 60 - N/A 61 - N/A 62 - N/A 63 - N/A 64 - N/A 65 - N/A 66 - N/A 67 - N/A 68 - N/A 69 - N/A 70 - N/A 71 - N/A 72 - N/A 73 - N/A 74 - N/A 75 - N/A 76 - N/A 77 - N/A 78 - N/A 79 - N/A 80 - N/A 81 - N/A 82 - N/A 83 - N/A 84 - N/A 85 - N/A 86 - N/A 87 - N/A 88 - N/A 89 - N/A 90 - N/A 91 - N/A 92 - N/A 93 - N/A 94 - N/A 95 - N/A 96 - N/A 97 - N/A 98 - N/A 99 - N/A			
Speed Limit		Est. Speed		Citation Offense Charged		Damage Severity		Vehicle Towed Away?		Occupants in Unit					
25 MPH		99 MPH		None		1 - None Visible 2 - Not Disabled 3 - Disabled		Yes No		1 20					
Vehicle Towed By Whom:		To Where:													
N/A		N/A													
Driver/Pedestrian Full Name		Street Address		City and State		ZIP		Telephone No.							
Shannon Carroll Youngblood		32 Circle L Trail Wetumpka		AL		36092		241-2932		36092					
DOB		Race		Sex		DL State		Driver License No.		DL Class					
7/24/1969		W		M		AL		6260532		D					
Place of Employment		Liability Insurance Co.		Social Security No.		List Restrictions		CDL Status		List Endorsements					
City of Montgomery - Police Department		Self Insured		268-11-3304		Not Complied With		N		Residence Less Than 25 Miles					
Driver/Ped Condition		Sobriety		Officer's Opinion		Alcohol: Yes No		Type Test		1 - Blood Test 2 - Urine Test					
1 - No Defect 2 - Apparently Asleep 3 - Fatigued 4 - Ill 5 - Unknown		Sobriety		Officer's Opinion		Alcohol: Yes No		Type Test		1 - Blood Test 2 - Urine Test					
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Maneuver/Action		Travel Road Name		Road Code		Travel Direction		Other Contr Circumstance		Prime Harm Event					
98		Hill St.		5154		N		99		20					
Veh Year		Make		Model		Body		V.I.N.		License Tag Number					
01		Ford		CV		40		2FAFP71W11X137605		36027 MU					
Owner's Name		Street or R.F.D.		City		State		ZIP		Telephone No.					
City of Montgomery City Shops		934 N. Ripley St.		Montgomery		AL		36104		36104					
Type		Usage		Hazardous Cargo		Attachment		Contributing Defect		Circle areas Damaged On Diagram					
1 - Auto 2 - Station Wagon 3 - Pick Up 4 - Van 5 - Truck Tractor 6 - Other Truck 7 - Comm. Bus 8 - School Bus 9 - Other Bus 10 - Motorcycle		1 - Personal 2 - Driver Trng. 3 - Construction 4 - Ambulance/Paramedical 5 - Military 6 - Taxi 7 - Transport Prop. 8 - Agriculture 9 - Wrecker/Tow		1 - None 2 - Explosive 3 - Gas 4 - Flamm/Combust Liq. 5 - Flammable Solids 6 - Oxidizer/Peroxide 7 - Poison 8 - Radioactive Matl. 9 - Corrosive Material 98 - Other		1 - None 2 - Mobile Home 3 - Semi Trailer 4 - Utility Trailer 5 - 4-Wheel Trailer 6 - Boat Trailer		1 - None 2 - Steering 3 - Power Plant 4 - Suspension 5 - Tires 6 - Exhaust 7 - Lights 8 - Turn Signal 9 - Unknown		1 - Brakes 2 - Steering 3 - Power Plant 4 - Suspension 5 - Tires 6 - Exhaust 7 - Lights 8 - Turn Signal 9 - Unknown		1 - Under Carriage 2 - N/A 3 - N/A 4 - N/A 5 - N/A 6 - N/A 7 - N/A 8 - N/A 9 - N/A 10 - N/A 11 - N/A 12 - N/A 13 - N/A 14 - N/A 15 - N/A 16 - N/A 17 - N/A 18 - N/A 19 - N/A 20 - N/A 21 - N/A 22 - N/A 23 - N/A 24 - N/A 25 - N/A 26 - N/A 27 - N/A 28 - N/A 29 - N/A 30 - N/A 31 - N/A 32 - N/A 33 - N/A 34 - N/A 35 - N/A 36 - N/A 37 - N/A 38 - N/A 39 - N/A 40 - N/A 41 - N/A 42 - N/A 43 - N/A 44 - N/A 45 - N/A 46 - N/A 47 - N/A 48 - N/A 49 - N/A 50 - N/A 51 - N/A 52 - N/A 53 - N/A 54 - N/A 55 - N/A 56 - N/A 57 - N/A 58 - N/A 59 - N/A 60 - N/A 61 - N/A 62 - N/A 63 - N/A 64 - N/A 65 - N/A 66 - N/A 67 - N/A 68 - N/A 69 - N/A 70 - N/A 71 - N/A 72 - N/A 73 - N/A 74 - N/A 75 - N/A 76 - N/A 77 - N/A 78 - N/A 79 - N/A 80 - N/A 81 - N/A 82 - N/A 83 - N/A 84 - N/A 85 - N/A 86 - N/A 87 - N/A 88 - N/A 89 - N/A 90 - N/A 91 - N/A 92 - N/A 93 - N/A 94 - N/A 95 - N/A 96 - N/A 97 - N/A 98 - N/A 99 - N/A			
Speed Limit		Est. Speed		Citation Offense Charged		Damage Severity		Vehicle Towed Away?		Occupants in Unit					
25 MPH		99 MPH		None		1 - None Visible 2 - Not Disabled 3 - Disabled		Yes No		1 20					
Vehicle Towed By Whom:		To Where:													
N/A		N/A													
Contributing Circumstances		Driver Maneuver		Pedestrian Action		Event Loc									
01 - Improper Passing 02 - Improper Lane Change/Usage 03 - Improper Turn/No Turn 04 - Following Too Close 05 - Misjudge Stopping Dist 06 - Over Speed Limit 07 - Avoid Object/Person/Veh 08 - Unseen Object/Person/Veh 09 - Improper Backing 10 - Imp Traffic Control 11 - Improper/No Signal 12 - Fail to Heed Sign/Signal		13 - Improper Driving Environ 14 - Road Defect 15 - Vision Obstruction 16 - Defective Equipment 17 - DUI 18 - Under Min Speed 19 - Improper Load/Size 20 - Improper Attachment 21 - Fail to Yield Right-of-Way 22 - Driver Condition 23 - Wrong Side of Road 24 - Veh Pushed/Towed by Veh		25 - Veh Pushed by Person 26 - Veh Left Road 27 - Driver Not in Control 28 - Load Shift 29 - Parts/Cargo from Veh 30 - Ped Violation 31 - Veh Wgt/Hgt/Length 32 - Ped Under Influence 33 - Illegal/Impover Parking 34 - Ped Under Influence 35 - Unknown		01 - Go Straight Ahead 02 - Pass on Left 03 - Pass on Right 04 - Pass on Left 05 - Go Straight-Left Turn Lane 06 - Go Straight-Right Turn Lane 07 - Change Lanes-Left 08 - Change Lanes-Right 09 - Merge-Left 10 - Merge-Right 11 - Wrong Side of Road 12 - Wrong Way-1-Way		13 - Right Turn 14 - Left Turn 15 - U-Turn 16 - Start from Park 17 - Start in Traffic 18 - Stopping/Stopping 19 - Stopped in Traffic 20 - Avoid Object in Road 21 - Exiting Private Road/Property 22 - PedCyc Ride with Traffic in Road 23 - PedCyc Ride with Traffic off Road 24 - PedCyc Ride Against Traffic in Rd		63 - PedCyc Ride Against Traffic off Rd 64 - PedCyc Ride Across Road 65 - PedCyc Ride in Bike Path 66 - Enter Parked Position 67 - Parked-Legally 68 - Parked-Illegally 69 - Backing 70 - Pushed by Vehicle 71 - Pushed by Pedestrian 72 - Other 73 - Unknown		01 - Cross/Enter-Intersection 02 - Cross/Enter-Other 03 - Walk in Road-With Traffic 04 - Walk in Road-Against Traffic 05 - Stand in Roadway 06 - Get on/off Vehicle 07 - Push/Work on Vehicle 08 - In Road-Other Work 09 - In-Road-Playing 10 - In-Road-Other 11 - Not in Road 12 - Other 13 - Unknown		1 - On Roadway 2 - Off Roadway 3 - Median 4 - Driveway 5 - Private Road 6 - In Intersection	



Date 9/30/03

To : Lt. R. F. Byrne

From : Sgt. S. C. Youngblood

Date : 09-30-2003

Subject : Vehicle Pursuit/Vehicle Accident (388)

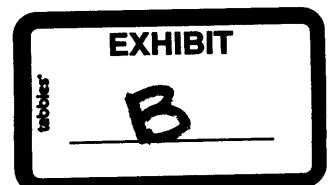
On Tuesday, 09-30-2003 at approximately 0345 hours, unit 322 (Welch and Deramus) themselves out at 565 N. E. Blvd. (Kwick Shop) on a possible code 23 of a red Jeep Cherokee that took off from the store when they attempted to stop it, knocking Pof. Welch to the ground and striking unit 322's marked patrol vehicle. I was traveling east on Atlanta Hwy. when I observed a red Jeep Cherokee traveling west on Atlanta Hwy. occupied by one subject.

When I turned around to catch up with the vehicle, the vehicle sped up. The vehicle turned left onto California St. then with out stopping, turned right onto Mt. Meigs Rd. traveling west on Highland Av. turning south onto Forrest Av. I inquired with channel one to see if the Jeep was stolen. Channel one advised that the vehicle did not come back as being stolen. I then had channel one contact the owner of the Jeep to inquire if the vehicle was stolen or if they knew where their Jeep was. I inquired if unit 322 had any other charges other than the misdemeanor charge of Theft 3rd. at which time Pof. Welch stated that the driver was also wanted in reference to a code 26 with a police unit and striking a police officer.

The Jeep turned onto I-85, traveling toward Day St. as unit 310 (Hill and Horner) fell in behind this unit. At this time I had not attempted to stop the vehicle. As the Jeep approached I-85 the interchange, I attempted to initiate a traffic stop on the jeep, as it continued onto Day. St., turning right onto Day St. I advised that speeds were 50 mph as the Jeep turned right onto Oak. St. The Jeep traveled on Oak St. approaching speeds of 55 mph as it turned onto Mobile Rd. traveling to Hugh St. where it turned right traveling 40 mph. The Jeep continued on Hugh St. until it turned right onto Chappell. The Jeep continued turning left onto Hill St. toward Day. St., turning left onto Carlisle, then left onto Alma Dr. then left onto Chappell, reaching speeds of 35mph. The Jeep continued on Chappell, turning right onto Garland then left onto Mill St. crossing over Hill St. reaching speeds of 55mph. I then asked a rear unit to call the pursuit as the Jeep turned left onto Rosa L. Parks Av.

At this time, unit 310 began to call the pursuit. The jeep traveled on Rosa L. Parks Av. To Mildred St. where it turned left traveling to S. Holt St. where it turned left traveling back toward Day St. The Jeep turned right onto Day St. traveling west crossing over Oak. St. As the Jeep approached Hill St. I attempted to slow as the vehicle began to turn left onto Hill St. The brakes in unit 388 failed to stop my vehicle, at which time I struck the red Jeep. The Jeep was able to continue across Day St. on Hill and I was able to get my vehicle stopped in the turning lane from Hill St. onto Day St. by using my emergency brake. I did not rejoin the pursuit.

The pursuit continued to on Hill St. turning onto Carlisle St. and stopping on Garland St. where the suspect was taken into custody. Unit 312 (Calhoun and Barrier) responded to my location and completed an accident report for vehicle 388. I took photos



of the damage to vehicle 388 which consisted of the front bumper, passenger side marker and turn lenses broken and the driver side turn lens broken. Vehicle 388 was driven to Headquarters.

S. C. Youngblood #343
S. C. Youngblood #343

PURSUIT REVIEW FORM

DATE: September 30, 2003SUPERVISOR: Lt. G. D. Salum #408PURSUING OFFICER(S): Sergeant S. C. Youngblood #343DEFENDANT: Robert A Wermuth, B/M, 9-13-70, 948 Garland Dr.

DETAILS OF PURSUIT:

On 09-30-03, at approx. 0345 Unit 322, J. C. Welch #1222 & M. C. Deramus # approached a vehicle wanted for possibly being stolen and a theft in the parking lot of the Quick Shop located at 565 N. East Boulevard. The officers approached the vehicle, a red Jeep Cherokee at which time the driver; later identified as B/M, Robert Wermuth, age 23, of 948 Garland Dr. fled the scene dragging Officer Welch and striking their police vehicle, vehicle 2948. At approximately 0347 hrs, Unit 331, Sergeant S. C. Youngblood observed the vehicle and Unit 310, Hill & Horner assisted in attempting to stop the vehicle at the intersection of Day Street and Hill Street. The vehicle refused to stop and fled towards Mildred Street. The vehicle was traveling at approximately 50 mph in the areas of Oak St., Mobile Rd., to the area of Carlisle, Hill, and Garland, ending at 948 Garland Dr; where the suspect was taken into custody by K9 at 0409 attempting to flee the vehicle.

REASON FOR PURSUIT: Assault 1st Degree of a Police Officer

CONDITIONS OF PURSUIT:

- a. Time of day: 0347 hrs
- b. Traffic Conditions: Light
- c. Weather Conditions: Good
- d. Roadway Lighting: Street Lights
- e. Vehicle Speed: 50 mph
- f. Roadway Character: Straight, level and curved. Two and four lanes.
- g. Number of MPD Vehicles Involved: 2
- h. Number of MPD Officers Involved: 3
- i. Other Agencies and Vehicles Involved: N/A
- j. Description of Offender's Vehicle:

Color: RedYear: 2001Make: JeepModel: CherokeeTag No: 3A8297CCondition: Good

Was any action taken against the suspect vehicle?

NO

What circumstances necessitated this action?

N/A

What role did assisting agencies have in the pursuit?

NONE

Supervisor's Review and Recommendations:

The vehicle was possibly stolen, involved in a theft from the Quick Shop, 565 N. East Blvd. and the assault on a officer attempting to apprehend him. The pursuit reached speeds of 50 mph with no traffic. The risk of danger to the Public was minimal due to the time and absence of traffic. The suspect was apprehended attempting to flee the vehicle. Unit 388, driven by SGT Youngblood received minor damage to the front end when his brakes failed, striking the rear of the suspect vehicle. The pursuit was conducted within the guidelines of the Departmental Rules and Regulations.

S. C. Youngblood #343

G. D. Salum #408

Memorandum

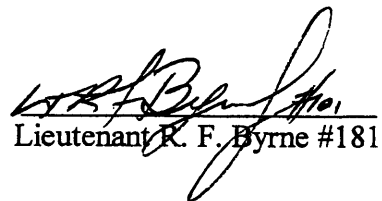
To : Captain T. B. Essex

From : Lieutenant R. F. Byrne #181

Date : September 29, 2003

Subject : Vehicle Pursuit

I have reviewed the pursuit form concerning the pursuit on September 29, 2003 at 0347 hours. The officers acted in accordance with the Rules and Regulations of the Montgomery Police Department. Their response was within the scope of their authority.


Lieutenant R. F. Byrne #181